IN **THE HIGH COURT OF JUDICATURE AT PATNA**
Cr.Misc. No.19365 of 2008
SANTOSH SINGH
Versus
THE STATE OF BIHAR
with
Cr.Misc. No.19695 of 2008
KANHAIYA SINGH
Versus
THE STATE OF BIHAR
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3 1.7.2008 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are accused in a case under section 302/34 of the Indian Penal Code and 27 of the Arms Act .

The allegation is that the informant was traveling on a tempo along with unknown persons. It is said that Kanhaiya Singh and Santosh Singh who were on a motorcycle came and stopped the tempo. Kanhiya Singh is said to have opened four rounds of fire as a result of which the informant was injured in his thigh and one of the bullets allegedly hit an unknown person traveling with the informant.

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Learned counsel for the petitioner-Santosh Singh, submits that there is no specific allegation of firing against Santosh Singh and he has remained in custody since 28.1.2008.

Considering the aforesaid facts, petitioner-Santosh Singh is directed to be released on bail on furnishing bail bond of Rs 10,000/ with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa in Bihra P.S.Case no.08/08.

Learned counsel for the petitioner-Kanhaiya Singh submits that the informant actually did not have occasion to see the incident and the informant has wrongly said that Kanhaiya Singh fired at other passenger as well.

However, considering the facts that there is allegation that Kanhaiya Singh fired four rounds, I do not find any reason to disbelieve the prosecution case at this stage. His prayer for bail is rejected.

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(Sheema Ali Khan, J)

Shahid